

CARLSMITH BALL LLP

DAVID LEDGER
ELYZE McDONALD
134 West Soledad Avenue
Bank of Hawaii Bldg., Suite 401
P.O. Box BF
Agana, Guam 96932-5027
Tel. No. (671) 472-6813

Attorneys for Plaintiff
Hansen Helicopters, Inc.

FILED
DISTRICT COURT OF GUAM
JAN 15 2003
MARY L. M. MORAN
CLERK OF COURT

9

IN THE DISTRICT COURT OF GUAM

HANSEN HELICOPTERS, INC.,)	CIVIL CASE NO. CIV02-00029
)	
Plaintiff,)	
vs.)	
)	SCHEDULING ORDER AND
OCEANAIR LOGISTICS,)	DISCOVERY PLAN
LORENZO LOPEZ, and)	
AMERICAN NATIONAL FIRE)	
INSURANCE COMPANY,)	
)	
Defendants.)	
_____)	

SCHEDULING ORDER

Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and L.R.

16.1, the parties hereby submit the following scheduling order.

1. The nature of the case is as follows: Plaintiff has filed a complaint for wrongful denial of insurance coverage on the part of American National and on the part of Oceanair Logistics and Mr. Lopez, negligent and intentional misconduct in the procurement of the insurance at issue and the premium charged and collected for the insurance. Plaintiff seeks actual and exemplary damages. Defendants have answered and denied the allegations.

2. The posture of the case is as follows:

(a) The following motions are on file (pending):

None at the present time.

(b) The following motions have been resolved:

Not applicable.


(c) The following formal discovery has been initiated.

None.

3. All motions to amend pleadings shall be filed not later than April 30, 2003.

4. Status of discovery:

The Discovery Plan (filed concurrently herewith) is adopted and incorporated as part of this Scheduling Order.

5. ~~The parties shall appear before the District Court on January 13, 2003 at 3:00 p.m., for the Scheduling Conference.~~ 

6. The discovery cutoff (defined as the last day to file responses to discovery) is August 29, 2003.

7. (a) The anticipated discovery motions are:

None at this time.

(b) All discovery motions shall be filed not later than fifteen (15) days after the discovery in issue was due to the requesting party.

(c) All potentially dispositive motions shall be filed not later than September 15, 2003 and heard not later than October 15, 2003.

8. The prospects for settlement are:

Unknown.

9. The preliminary pretrial conference shall be held on November 7, 2003 (not later than 21 days before trial).

10. The parties' pretrial materials, discovery materials, witness lists, exhibit lists and designation of discovery responses shall be filed not later than November 14, 2003 (not later than 14 days before trial).

11. The proposed pretrial order shall be filed not later than November 21, 2003 (not later than 7 days before trial).

12. The final pretrial conference shall be held on November 21, 2003 (not later than 7 days before trial).

13. The trial shall begin on December 1, 2003.

14. Plaintiff has requested a jury.

15. It should take 2-3 days to conduct the trial.

16. The counsel are:

David Ledger for Plaintiff Hansen Helicopters, Inc..

Steven Zamsky for Defendants OceanAir Logistics and Lorenzo Lopez.

David Dooley for Defendant American National Fire Insurance Company.

17. At this time, the parties do not request a settlement conference.

18. The parties present the following suggestions for shortening trial:

None at this time.

19. The following issues will effect the status or management of the case:

None at this time.

DISCOVERY PLAN

1. Depositions of lay witnesses may begin after initial disclosures are made.
2. Unless additional discovery is permitted by the Court, the parties may serve one set of interrogatories not to exceed 25 including sub-parts and one set of requests for admissions not to exceed 25. The parties may serve any number of requests for production of documents. Unless a shorter time is agreed to, all written discovery shall be served by a date as to afford the answering party the full response time permitted by the applicable rules prior to the discovery cutoff.
3. The parties, except as otherwise noted, agree as follows:
 - a. The initial disclosures required under Fed. R. Civ. P. 26(a)(1) shall be made not later than February 14, 2003; provided, however, that such disclosure shall be made prior to the filing of any dispositive motion by any party.
 - b. Disclosure of expert testimony required under Fed. R. Civ. P. 26(a)(2) shall be made not later than June 3, 2003.
 - c. Subsequent designation of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2) shall be made not later than July 3, 2003.
 - d. Depositions of experts designated under Fed. R. Civ. P. 26(a)(2) and paragraph 3.b. above, shall be completed not later than the August 29, 2003 discovery cutoff stated above. Depositions of rebuttal experts, if any are designated under Fed. R. Civ. P. 26(a)(2) and paragraph c. above, shall be completed not later than fourteen days after the discovery cutoff.
4. The pretrial disclosures required by Fed. R. Civ. P. 26(a)(3) shall be made not later than 30 days before or as otherwise ordered by the Court.

5. The specific subjects on which discovery will be needed are:

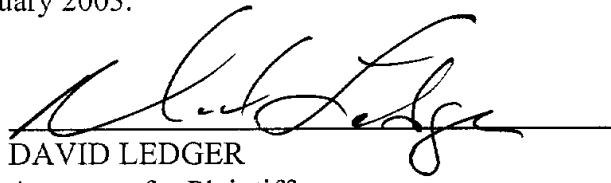
- a. the insurance coverage Plaintiff requested;
- b. the insurance which was provided;
- c. the premium for the insurance;
- d. exclusions to coverage and grounds for denial of coverage; and
- e. other subjects and issues as required.

6. Other than the 25 count limit on interrogatories and requests for admissions, the parties do not anticipate requiring any other changes or limitations on discovery as may be imposed under federal or Local Rules.

7. The cutoff date for discovery (defined as the last day to file responses to written discovery) is August 29, 2003. Depositions may be taken until the cutoff date and as provided above in paragraph 3(d).


SUBMITTED this 13th day of January 2003.

CARLSMITH BALL LLP


DAVID LEDGER
Attorneys for Plaintiff
Hansen Helicopters, Inc.

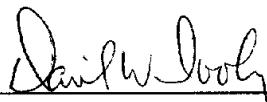
APPROVED AS TO FORM this 9th day of January 2003.

ZAMSKY LAW FIRM


STEVEN A. ZAMSKY
Attorneys for Defendants
OceanAir Logistics and Lorenzo Lopez

APPROVED AS TO FORM this 9 day of January 2003.

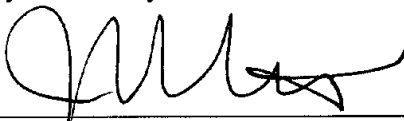
DOOLEY LANNEN ROBERTS
& FOWLER LLP



DAVID W. DOOLEY
Attorneys for Defendant
American National Fire Insurance Company

ORDER

SO ORDERED this 15th day of January 2003.



THE HONORABLE JOHN S. UNPINGCO
Judge, District Court of Guam.

